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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,105	01/04/2002	Shell Sterling Simpson	10007691-1	8630

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EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,105	Applicant(s) SIMPSON ET AL.	
	Examiner Michael Burleson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on January 31, 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,7-12 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindbloom US 5740076.

3. Regarding claim 1, Lindbloom teaches of testing colors in the image being processed for gamut and presents on a monitor, an overlay in a warning color, to the operator (column 4, lines 1-15), which reads on a method for notifying a user as to an inadequate color gamut comprising the steps of accessing imaging data to be printed; identifying colors represented by the imaging data; comparing the identified colors with a color gamut of a printing device and notifying the user if one or more of the identified colors is not included in the color gamut of the printing device.

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4. Regarding claim 2, Lindbloom teaches of classifying colors into regions using these regions to run gamut tests (column 4,lines 27-57), which reads on accessing color information contained within the imaging data.
5. Regarding claim 3, Lindbloom teaches of using LUT to determine color that are in or out of the gamut region (column 4,lines 1-15), which reads on retrieving data.
6. Regarding claim 7, Lindbloom teaches of Lab, RGB XYZ, YIQ and YCC color spaces in which all colors can appear and then specific colors are identified that fall within boundary (10) (column 3,lines 60-67 and column 4,lines 1-15), this reads on identifying a Pantone color.
7. Regarding claim 8, Lindbloom teaches that the printer type is profiled to create a gamut LUT (column 4,lines 1-14), which reads on the step of identifying colors comprises identifying a set of intensity values that represent an absolute color defined by a color profile.
8. Regarding claim 9, Lindbloom teaches that the color space that can be used is RGB, CMY or YCC (column 3,lines 60-67), which read on the set of intensity values comprises at least one of RGB, CMY and YCC.
9. Regarding claim 10, Lindbloom teaches that the printer type is profiled to create a gamut LUT (column 4,lines 1-14), which reads on the color profile comprises an ICC profile.
10. Regarding claim 11, Lindbloom teaches of an overlay in a warning color, to the operator (column 4,lines 1-15), which reads on presenting a printing warning to the user

that includes a message that explains that the printing device does not support a desired color.

11. Regarding claim 12, Lindbloom teaches of testing colors in the image being processed for gamut and presents on a monitor, an overlay in a warning color, to the operator (column 4, lines 1-15), which reads on a system for notifying a user as to an inadequate color gamut comprising means for accessing imaging data to be printed; means for identifying colors represented by the imaging data; means for comparing the identified colors with a color gamut of a printing device and means for notifying the user if one or more of the identified colors is not included in the color gamut of the printing device.

12. Regarding claim 16, Lindbloom teaches of Lab, RGB XYZ, YIQ and YCC color spaces in which all colors can appear and then specific colors are identified that fall within boundary (10) (column 3, lines 60-67 and column 4, lines 1-15), this reads on identifying a Pantone color.

13. Regarding claim 17, Lindbloom teaches that the printer type is profiled to create a gamut LUT (column 4, lines 1-14), which reads on the means for identifying colors comprises means for identifying a set of intensity values that represent an absolute color defined by a color profile.

14. Regarding claim 18, Lindbloom teaches that the color space that can be used is RGB, CMY or YCC (column 3, lines 60-67), which read on the set of intensity values comprises at least one of RGB, CMY and YCC.

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15. Regarding claim 19, Lindbloom teaches that the printer type is profiled to create a gamut LUT (column 4, lines 1-14), which reads on the color profile comprises an ICC profile.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4-6, 13-15 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindbloom US 5740076 in view of Martinez et al. US 2003/0156299.

18. Regarding claim 4, Lindbloom teaches of testing colors in the image being processed for gamut and presents on a monitor, an overlay in a warning color, to the operator (column 4, lines 1-15), which reads on a method for notifying a user as to an inadequate color gamut comprising the steps of accessing imaging data to be printed; identifying colors represented by the imaging data; comparing the identified colors with a color gamut of a printing device and notifying the user if one or more of the identified colors is not included in the color gamut of the printing device.

19. Lindbloom fails to teach of accessing imaging data through use of imaging extension.

20. Martinez et al. teaches of requesting processing, which is not limited to APIs (page 12, paragraph 0092), which reads on accessing imaging data through use of imaging extension.

21. The method of notifying a user of out-of-gamut color of Lindbloom could have been modified with the requesting of APIs of Martinez et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to prevent web content from accessing the user's imaging files.

22. Regarding claim 5, Martinez et al. teaches of a graphical user interface (page 12, paragraph 0092), which reads on the imaging extension comprises part of a user browser.

23. Regarding claim 6, Martinez teaches of client-server implementations (page 12, paragraph 0091), which reads on the imaging extension comprises part of a network-based service.

24. Regarding claim 13, Lindbloom teaches of testing colors in the image being processed for gamut and presents on a monitor, an overlay in a warning color, to the operator (column 4, lines 1-15), which reads on a system for notifying a user as to an inadequate color gamut comprising means for accessing imaging data to be printed; means for identifying colors represented by the imaging data; means for comparing the identified colors with a color gamut of a printing device and means for notifying the user if one or more of the identified colors is not included in the color gamut of the printing device.

25. Lindbloom fails to teach of means for accessing imaging data through use of imaging extension.

26. Martinez et al. teaches of requesting processing, which is not limited to APIs (page 12, paragraph 0092), which reads on means for accessing imaging data through use of imaging extension.

27. The system of notifying a user of out-of-gamut color of Lindbloom could have been modified with the requesting of APIs of Martinez et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to prevent web content from accessing the user's imaging files.

28. Regarding claim 14, Martinez et al. teaches of a graphical user interface (page 12, paragraph 0092), which reads on the imaging extension comprises part of a user browser.

29. Regarding claim 15, Martinez et al. teaches of client-server implementations (page 12, paragraph 0091), which reads on the imaging extension comprises part of a network-based service.

30. Regarding claim 20, Martinez et al. teaches of a client-server configuration in conjunction with logic (109) configured to perform color management (page 12, paragraph 0094) which reads on a network based service that is configured to notify a user as to an inadequate color gamut condition.

31. Martinez et al. fails to teach to teach of access imaging data to be printed; identify colors represented by the imaging data; compare the identified colors with a

color gamut of a printing device and to notify the user if one or more of the identified colors is not included in the color gamut of printing device.

32. The client-server configuration and logic of Martinez et al. could have been configured to implement the accessing of imaging data to be printed; identify colors represented by the imaging data; compare the identified colors with a color gamut of a printing device and to notify the user if one or more of the identified colors is not included in the color gamut of printing device of Lindbloom. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to identify and alert a user of inadequate color gamut.

33. Regarding claim 21, Martinez et al. teaches of requesting processing, which is not limited to APIs (page 12, paragraph 0092), which reads on logic configured to accessing imaging data through use of imaging extension.

34. Regarding claim 22, Martinez et al. teaches of a graphical user interface (page 12, paragraph 0092), which reads on the imaging extension comprises part of a user browser.

35. Regarding claim 23, Martinez teaches of client-server implementations (page 12, paragraph 0091), which reads on the imaging extension comprises part of a network-based service.

36. Regarding claim 24, Martinez et al. teaches of a computer (106) that includes logic (109) configured to perform color management (page 12, paragraph 0093 and 0094), which reads on a printing device comprising a processing device and memory including logic.

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37. Martinez et al. fails to teach to teach of access imaging data to be printed; identify colors represented by the imaging data; compare the identified colors with a color gamut of a printing device and to notify the user if one or more of the identified colors is not included in the color gamut of printing device.

38. The computer and logic of Martinez et al. could have been configured to implement the accessing of imaging data to be printed; identify colors represented by the imaging data; compare the identified colors with a color gamut of a printing device and to notify the user if one or more of the identified colors is not included in the color gamut of printing device of Lindbloom. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to identify and alert a user of inadequate color gamut.

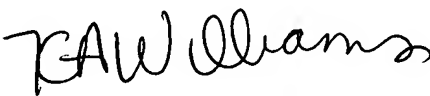
39. Regarding claim 25, Martinez et al. teaches of requesting processing, which is not limited to APIs (page 12, paragraph 0092), which reads on logic configured to accessing imaging data through use of imaging extension.

40. Regarding claim 26, Martinez et al. teaches of a graphical user interface (page 12, paragraph 0092), which reads on the imaging extension comprises part of a user browser.

41. Regarding claim 27, Martinez teaches of client-server implementations (page 12, paragraph 0091), which reads on the imaging extension comprises part of a network-based service.

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626



Mlb
October 2, 2005